

## **TCDD Summary**

### **Office of the Independent Ombudsman for State Supported Living Centers 2015 Annual Report**

The Office of the Independent Ombudsman (OIO) for State Supported Living Centers (SSLCs) works to advocate for, protect, and positively impact the lives of SSLC residents and their families<sup>1</sup>. Since February 2010, OIO reports have primarily focused on statistics and measurements of their work, but the evolving nature of the OIO required a change in substance and structure to the 2015 report. According to their 2015 Annual Report<sup>2</sup>, experience has shown the OIO that their effectiveness is frequently on an individual and personal level. By reviewing the findings of these new approaches to improve protections for SSLC residents, the SSLC system can be better understood.

#### **2015 Annual Report Recommendations**

The three areas addressed in the below recommendations regarding staffing ratios, training, and rights are almost identical to recommendations in previous OIO Annual Reports. The head Independent Ombudsman highlights the lack of progress made in addressing their recommendations stating:

If one reviews our previous five Annual Reports, the similarity of these recommendations to our past recommendations is striking. We propose that our Office partner with the DADS SSLC leadership to engage in comprehensive conversations so that we might better understand their challenges in the areas of our review. In this way, it is our hope that we can be a resource for transformation so that our 2016 Program Review will reflect improvement in these systemic situations.

The full report includes supporting data and analytics. Summaries of the Independent Ombudsman's recommendations follow the recommendations.

#### **Improve Staff to Client Ratio Recommendation**

All centers have difficulty meeting the facility designated minimum staff to client ratio even when using a large number of "float/pulled" and "holdover" staff. As a result, all centers showed low rates of staff attempting to engage residents. Day programming, medical appointments, dining, implementing behavior support plans, level of supervision, community outings, and Skill Acquisition Programs were most negatively affected due to lack of staff. Several staff recounted that they diligently "try to make do." The OIO warns that if unaddressed, it will further degrade staff morale, their performance, staff retention and ultimately service delivery to the residents.

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<sup>1</sup> [dads.state.tx.us/sslcombudsman/](http://dads.state.tx.us/sslcombudsman/), accessed April 15, 2016.

<sup>2</sup> [dads.state.tx.us/sslcombudsman/reports/OIOannualreport2015.pdf](http://dads.state.tx.us/sslcombudsman/reports/OIOannualreport2015.pdf), accessed April 15, 2016.

### **Effects of Poor Staff to Client Ratios Summary**

An Assistant Independent Ombudsman (AIO) attempted to complete a staffing ratio observation and conduct an interview, however, the AIO immediately became aware of multiple residents engaging in aggressive behavior, with many other residents in obvious need of assistance. The AIO noted that the minimum number of staff designated for the home was six. The home had the required number of staff, with the assistance of the Qualified Intellectual Disability Professional (QIDP) and Residential Coordinator working on the floor, but the AIO had to cease monitoring the home to assist. Once another staff person arrived to the home, the AIO called to inform the Director that the residents were at risk due to residents' needs and lack of staff in the home. The AIO remained at the home until additional center staff returned and the environment calmed down. The AIO was also physically struck by a resident who attempted to strike another resident. The AIO is confident that had they not intervened and assisted to redirect residents' "maladaptive behavior" the situation would have further escalated and possibly resulted in individuals' self-injurious behavior.

### **Expand and Strengthen Staff Training Recommendation**

The legislative charge for SSLCs only specifies specialized training for alleged offenders but specialized training curricula should be developed and employed for the unique needs of SSLC residents including those who are on a forensic commitment, aging, have complex medical conditions, and adolescents and children. For example, San Angelo is the only center that reports specialized training for adolescent residents, however, almost all centers provide services for adolescents. 21% of all surveyed Direct Support Professionals (DSPs) stated they only "somewhat remembered" or "did not remember" receiving in-service training at all. Training addressing the needs of individuals with complex medical conditions and residents who are aging is included in New Employee Orientation, but the training should be strengthened, reinforced, and refreshed periodically for all staff, most essentially for DSPs. A study on training at the SSLCs reveals that "interactive training" is the most effective method of training and the department should provide more training using this format.

### **Effects of Inadequate Staff Training Summary**

AIOs observe residents' homes, monitor staffing ratios and the execution of daily service delivery. During a home observation an AIO noticed particular items in the home that may have presented a safety hazard for residents who had recently moved into the home. Although staff had been trained prior to new residents moving into the home, the environment posed a threat to safety. The AIO addressed concerns with SSLC staff. Following a conversation with SSLC administrators, additional training and education was provided to staff regarding environmental sweeps and how best to support individuals requiring unique support.

### **Increase Knowledge of Rights and Due Process Recommendation**

Although understanding and exercising individual rights is the cornerstone of a person centered life, the OIO reports that since 2011 there has been a gradual decrease in residents being informed

of their rights. SSLCs have a responsibility to inform residents of their rights and the OIO evaluates the extent to which SSLCs encourage residents to exercise those rights. SSLCs, state office and legislators should be aware of the types and rates of restrictions implemented because restrictions impose limitations on a person's quality and control of their life. From the sample of residents, the most common restrictions applied regarded money, diet, movement and restrictive dental procedures. Only 46% of residents in the samples of the 2015 report were able to identify their rights. The lowest rate of SSLCs encouraging residents to exercise rights is in Human Rights Committee meeting participation. All SSLCs show low rates of attempting less intrusive and restrictive approaches. This is evidenced when staff fail to use positive behavior interventions to encourage cooperation and instead opt for tactics such as coercion and taking away personal belongings without due process which are rights violations. There was a significant decline in documentation and discussion by SSLCs attempting less intrusive approaches to addressing behavior. A significant number of DSPs were unable to identify rights restrictions for the specific residents they serve. They had difficulty differentiating restrictions from supports. Therefore, the OIO recommends renewed effort should be initiated to educate and communicate to DSPs the fundamentals and importance of residents' rights. The complete integration of the DSP in the planning process for the individual would assist the DSP in their understanding of rights, help the Interdisciplinary Team, and ultimately aide in protecting and ensuring resident rights. Additionally, an important aspect of this initiative needs to include the education of families and guardians concerning the basics of rights for their loved ones and their application to a person centered life at the SSLCs.

### **Effects of Residents Not Understanding Their Rights Summary**

An AIO was interviewing a resident about her rights. The resident expressed frustration about the SSLC and staff during the conversation. The resident stated she was missing money and staff would not tell her why. The AIO asked the staff person with the individual about the resident's money. When asked, the DSP stated that there may not even be any money. The AIO educated the DSP, explaining the DSP role includes advocating for residents, which may include helping residents find out about access to their money. The AIO asked the DSP to look into the issue on the resident's behalf. The AIO informed the DSP that they would return later to see what she had been able to determine. The AIO later located the resident who was now smiling and happily talking with others. The resident began profusely thanking the AIO for helping her, and then stated that staff had explained why she was no longer receiving the same amount of money as she had previously. The AIO thanked the DSP for looking into the issue. As the AIO was leaving, the resident stated that she was glad there were people at the SSLC, like the AIO, to help her when she felt no one else would listen to her.

The full 2015 Annual Report includes detailed data and analytics, as well as additional personal experiences from the Office of the Independent Ombudsman for State Supported Living Centers and can be found at [dads.state.tx.us/sslcombudsman/reports/OIOannualreport2015.pdf](https://dads.state.tx.us/sslcombudsman/reports/OIOannualreport2015.pdf).